

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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IN THE MATTER OF THE COMPLAINT,

-of-

VIA ECF

MILLERS LAUNCH as owner of a 1978 31-foot
motor vessel and CITY OF NEW YORK,
DEPARTMENT OF ENVIRONMENTAL PROTECTION,
as owner and MILLER'S LAUNCH, INC., as a bareboat
charterer or owner of Pro Hac Vice, of a 1994 34-foot
motor vessel, for Exoneration from or Limitation of Liability,

**Civil Action No.
10- CV-00872 (JBC)**

Petitioners.

**NOTICE OF MOTION
TO DISMISS**

-----X

MARCUS LINK

Third-Party Plaintiff

-vs-

SKANSKA USA BUILDING INC.,
and SKANSKA MECHANICAL AND STRUCTURAL
INC. f/k/a GOTTLIEB SKANSKA, INC.

Third-Party Defendant

-----X

PLEASE TAKE NOTICE, that upon the annexed Declaration of Thomas J. Hall,
affirmed the 28th day of September, 2010, the accompanying memorandum of law and all
pleadings and proceedings heretofore had herein, the defendant, SKANSKA USA BUILDING
INC., and SKANSKA MECHANICAL AND STRUCTURAL INC. f/k/a GOTTLIEB
SKANSKA, INC. (SKANSKA), shall move this Court before the Honorable Brian Cogan at the
United States District Court for the Eastern District of New York at the Courthouse located at
944 Federal Plaza, New York New York on the 9th day of November, 2010 at 9: 30 o'clock in
the forenoon of that day or as soon thereafter as counsel may heard, for an Order pursuant to Fed.

R.Civ. P. 12(b) granting dismissal of the Third Party Summons and Complaint, together with such other and further relief as this Court may deem just and proper.

Oral argument is requested.

Dated: New York, New York
September 28, 2010

Respectfully submitted,



Thomas J. Hall (TJH 3859)
FABIANI COHEN & HALL
Attorneys for Defendant
SKANSKA USA BUILDING INC., and
SKANSKA MECHANICAL AND STRUCTURAL
INC. f/k/a GOTTLIEB SKANSKA, INC
570 Lexington Avenue
New York, New York 10022
(212) 644-4420

TO: Rubin Fiorella & Friedman, LLP
Michael Evan Stern, Esq.
Attorneys for Plaintiffs Miller's Launch, Inc.,
The City of New York and Department of
Environmental Protection
292 Madison Avenue, 11th Floor
New York, New York 10017
(212) 953-2381

Rubin Fiorella & Friedman, LLP
James Edward Mercante, Esq.
Attorneys for Plaintiffs Miller's Launch, Inc.,
The City of New York and Department of
Environmental Protection
292 Madison Avenue, 11th Floor
New York, New York 10017
(212) 953-2381

Rubin Fiorella & Friedman, LLP
Patrick Corbett, Esq.
Attorneys for Plaintiffs Miller's Launch, Inc.,
The City of New York and Department of
Environmental Protection
292 Madison Avenue, 11th Floor
New York, New York 10017
(212) 953-2381

Raphaelson & Levine, Law Firm P.C.
Andrew J. Levine, Esq.
Attorneys for Defendant Marcus Link
14 Penn Plaza, Suite 407
New York, New York 10122
(212) 268-3222

Link v. The City of New York et. al.
Index No. 10-CV-00872 (JBC)
Our File No. 740.36287

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing **THIRD-PARTY DEFENDANT'S, SKANSKA USA BUILDING INC., and SKANSKA MECHANICAL AND STRUCTURAL INC. f/k/a GOTTLIEB SKANSKA, INC.'S NOTICE OF MOTION TO DISMISS** was served Via ECF on the 28th day of September, 2010 upon:

Rubin Fiorella & Friedman,LLP
Attorneys for Plaintiffs Miller's Launch, Inc.,
The City of New York and Department of
Environmental Protection
292 Madison Avenue, 11th Floor
New York, New York 10017
Attention: Michael Evan Stern

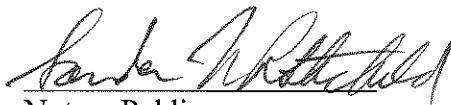
Rubin Fiorella & Friedman,LLP
Attorneys for Plaintiffs Miller's Launch, Inc.,
The City of New York and Department of
Environmental Protection
292 Madison Avenue, 11th Floor
New York, New York 10017
Attention: Patrick Corbett

Rubin Fiorella & Friedman,LLP
Attorneys for Plaintiffs Miller's Launch, Inc.,
The City of New York and Department of
Environmental Protection
292 Madison Avenue, 11th Floor
New York, New York 10017
Attention: James Edward Mercante

Raphaelson & Levine, Law Firm P.C.
Attorneys for Defendant Marcus Link
14 Penn Plaza, Suite 407
New York, New York 10122
Attention: Andrew J. Levine


Thomas J. Hall (TJH 3859)

Sworn to before me this
28th day of September, 2010.


Sander N. Rothchild
Notary Public

Sander N. Rothchild
Notary Public, State of New York
No. 02RO6004327 Qualified in New York County
Commission Expires March 23, 2011

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-of-

(JBC)(ECF Case)

MILLERS LAUNCH as owner of a 1978 31-foot
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as owner and MILLER'S LAUNCH, INC., as a bareboat
charterer or owner of Pro Hac Vice, of a 1994 34-foot
motor vessel, for Exoneration from or Limitation of Liability,

AFFIRMATION IN
SUPPORT OF MOTION
PURSUANT TO
FRCP §12(b)

Petitioners.

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MARCUS LINK

Third-Party Plaintiff

-vs-

SKANSKA USA BUILDING INC.,
and SKANSKA MECHANICAL AND STRUCTURAL
INC. f/k/a GOTTLIEB SKANSKA, INC.

Third-Party Defendant

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NOTICE OF MOTION TO DISMISS

FABIANI COHEN & HALL, LLP
Attorneys for Defendants
SKANSKA USA BUILDING INC. and SKANSKA MECHANICAL AND STRUCTURAL
INC. f/k/a GOTTLIEB SKANSKA, INC.
570 Lexington Avenue, 4th Floor
New York, New York 10022
(212) 644-4420